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7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-319

13 **MARIE LYNN FLINT, aka MARIE FLINT**
8800 Sierra College Boulevard, Apt. 1835
Roseville, CA 95661

ACCUSATION

14 **Registered Nurse License No. 616865**

15 Respondent.

16
17 Louise R. Bailey, M.Ed., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the Executive
20 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

21 **Registered Nurse License**

22 2. On or about April 9, 2003, the Board issued Registered Nurse License Number
23 616865 to Marie Lynn Flint, also known as Marie Flint ("Respondent"). The registered nurse
24 license expired on October 31, 2004, and has not been renewed.

25 **JURISDICTION**

26 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
27 the Board may discipline any licensee, including a licensee holding a temporary or an inactive
28 license, for any reason provided in Article 3 (commencing with Code section 2750) of the

1 Nursing Practice Act.

2 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
3 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
4 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
5 (b), the Board may renew an expired license at any time within eight years after the expiration.

6 5. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a
7 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
8 period within which the license may be renewed, restored, reissued, or reinstated.

9 **STATUTORY PROVISIONS**

10 6. Code section 2761 provides, in pertinent part:

11 The board may take disciplinary action against a certified or licensed nurse or
12 deny an application for a certificate or license for the following:

13 (a) Unprofessional conduct.

14 (4) Denial of licensure, revocation, suspension, restriction, or any other
15 disciplinary action against a health care professional license or certificate by another
16 state or territory of the United States, by any other government agency, or by another
California health care professional licensing board. A certified copy of the decision
or judgment shall be conclusive evidence of that action.

17 **COST RECOVERY**

18 7. Code section 125.3 provides, in pertinent part, that the Board may request the
19 administrative law judge to direct a licensee found to have committed a violation or violations of
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
21 enforcement of the case.

22 **CAUSE FOR DISCIPLINE**

23 **(Out-of-State Discipline)**

24 8. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(4),
25 on the grounds of unprofessional conduct, in that Respondent was disciplined by the Arizona
26 State Board of Nursing. Effective December 29, 2011, pursuant to *Findings of Fact, Conclusions*
27 *of Law and Order No. 0804091* filed by the Arizona Board of Nursing in a disciplinary
28 proceeding entitled *In the Matter of Registered Nurse License No. RN145772 Issued to: Marie*


1 *Flint*, the Arizona State Board of Nursing revoked Respondent's registered nurse license. A copy
2 of the *Findings of Fact, Conclusions of Law and Order* is attached hereto as **Exhibit A** and
3 incorporated herein by reference. The basis of said discipline is that from on or about May 21,
4 2007, until May 2008 while employed as a registered nurse at Maricopa Medical Center,
5 Respondent's conduct was unprofessional in that she failed to provide standard and adequate care
6 and made errors in prescribing, dispensing, or administering medication.

7 **PRAYER**

8 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Board of Registered Nursing issue a decision:

- 10 1. Revoking or suspending Registered Nurse License Number 616865, issued to Marie
11 Lynn Flint, also known as Marie Flint;
12 2. Ordering Marie Lynn Flint, also known as Marie Flint, to pay the Board of
13 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
14 pursuant to Code section 125.3; and,
15 3. Taking such other and further action as deemed necessary and proper.

16
17 DATED: October 25, 2012


LOUISE R. BAILEY, M.ED., R.N.
Executive Officer
Board of Registered Nursing
State of California
Complainant

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21 SA2012107159
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EXHIBIT A

*Findings of Fact, Conclusions of Law and Order No. 0804091
Arizona State Board of Nursing*



Janice K. Brewer
Governor

Joey Ridenour
Executive Director

Arizona State Board of Nursing

4747 North 7th Street, Suite 200
Phoenix AZ 85014-3655
Phone (602) 771-7800 Fax (602) 771-7888
E-Mail: arizona@azbn.gov
Home Page: <http://www.azbn.gov>

AFFIDAVIT OF CUSTODIAN OF RECORDS

STATE OF ARIZONA

COUNTY OF MARICOPA

I, Joey Ridenour, Executive Director for the Arizona State Board of Nursing, County of Maricopa, State of Arizona, do hereby certify that I am the officer having the legal custody for the records hereto attached in the office of the Arizona State Board of Nursing, County of Maricopa, State of Arizona, a public office of said State. The attached copies are true copies of the records on **MARIE LYNN FLINT**. Personnel of the Arizona State Board of Nursing prepared the records during the ordinary course of business.

Witness my hand and the seal of the Arizona State Board of Nursing at 4747 N. 7th Street, Suite 200, Phoenix, Arizona 85014-3655 on April 19, 2012.

SEAL

Joey Ridenour R.N. M.N. F.A.A.N.

Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

Arizona State Board of Nursing

Date Printed: 04/19/2012

By: ANNE PARLIN, STAFF

NAME MARIE LYNN FLINT

GENDER: F **ETHNICITY:** White - Not of
Hispanic Origin

PLACE OF BIRTH CITY: MILWAUKEE **STATE:** WI

HOME ADDRESS

1841 E. CELVADA BLVD- APT D

PAHRUMP NV 89048

County: Maricopa

Country: UNITED STATES

HOME PHONE: N/A

PAGER: N/A

CELL PHONE: N/A

BUSINESS PHONE: N/A

FAX: N/A

OTHER NAMES

NAMES USED

REASON

NAMES USED

REASON

<NONE>

AZ LICENSE/CERTIFICATION INFORMATION:

License/Certificate Number: RN145772

License Type: REGISTERED NURSE

Original Date: 09/20/2007

License Valid Until: 01/04/2012

Last Issued Date: 09/20/2007

Original State of Licensure/Certification: WISCONSIN

AZ LICENSE STATUS HISTORY

<u>STATUS</u>	<u>FROM</u>	<u>TO</u>	<u>LAST MODIFIED BY:</u>
Pending Verification from Orig State of Licensure	04/26/2007	04/26/2007	PAULA DELPHY
Temporary	04/26/2007	09/20/2007	PAULA DELPHY
Application Deficiency Notice Sent	04/26/2007	09/11/2007	PAULA DELPHY
Pending Proof of Previous/Current Employment	04/26/2007	09/11/2007	PAULA DELPHY
Pending Fingerprint Results	04/26/2007	05/09/2007	DONNA FRYE
Multi State Privileges	09/20/2007	04/13/2009	snelson
Valid in Arizona Only	09/20/2007	09/20/2007	PAULA DELPHY
Active: Good Standing	09/20/2007	06/04/2009	UnderInvSQLFix
Complaint/Self Report	04/14/2008	06/04/2009	snelson
Valid in Arizona Only	04/13/2009	08/02/2011	LAPSESTAGE3
Active: Under Investigation	06/04/2009	01/04/2012	SUSAN BARBER
Active: Due for Renewal	04/02/2011	05/03/2011	LAPSESTAGE2
Active: Late for Renewal	05/03/2011	08/02/2011	LAPSESTAGE3
Lapsed/Expired	08/02/2011	01/04/2012	SUSAN BARBER
Revoked	01/04/2012		SUSAN BARBER

SCHOOL INFORMATION

<u>NAME</u>	<u>LOCATION</u>	<u>NCLEX CODE</u>	<u>DEGREE OBTAINED</u>	<u>GRADUATION DATE</u>
MATC	MILWAUKEE WI		Associates in Nursing	05/01/1997

OTHER STATES OF LICENSURE/CERTIFICATION

<u>LIC/CERT NO</u>	<u>STATE</u>	<u>LIC/CERT TYPE</u>	<u>STATUS</u>	<u>LIC/CERT DATE</u>	<u>ORIG STATE</u>
RN33868	NV	REGISTERED NURSE	Active: Good Standing		N
127362	WI	REGISTERED NURSE	Inactive		Y

MOST RECENT APPLICATION INFORMATION

Year: 2007

Arizona State Board of Nursing

Date Printed: 04/19/2012

By: ANNE PARLIN, STAFF

Employment Status:

Type of Nursing Position:

Major Clinical or Teaching Area in Nursing:

Principle Field of Employment:

ARIZONA STATE BOARD OF NURSING
4747 North 7th Street Ste 200
Phoenix AZ 85014-3655
602-771-7800

IN THE MATTER OF REGISTERED NURSE
LICENSE NO. RN145772
ISSUED TO:

MARIE FLINT,

Respondent.

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER NO. 0804091

On November 14, 2011, the Arizona State Board of Nursing ("Board") considered the State's Motion to Deem Allegations Admitted and Respondent's Response to the Motion, if any, at the Arizona Board of Nursing, 4747 North 7th Street, Suite 200, Phoenix Arizona 85014-3655. Keely Verstegen, Assistant Attorney General, appeared on behalf of the State. Respondent was not present and was not represented by counsel.

On September 22, 2011, the Board granted the State's Motion to Deem Allegations Admitted. Based upon A.R.S. § 32-1664 (I) and the Complaint and Notice of Hearing No. 0804091 issued in this matter, the Board adopts the following Findings of Fact and Conclusions of Law, and **REVOKES** Respondent's license.

FINDINGS OF FACT

1. From on or about May 21, 2007 until May 2008, Respondent was employed at Maricopa Medical Center in Phoenix, Arizona.

2. On or about April 14, 2008, the Board received an anonymous complaint alleging that on several occasions, Respondent made several medication errors and was threatening towards other nursing staff. Based upon the complaint, the Board conducted an investigation.

1 3. According to Karen Stein, RN, Nurse Manager at Maricopa Medical Center, Respondent
2 was witnessed taking an accucheck without a physician order in or around February 2008. In addition
3 to not having an order, Respondent scanned another patient's name and identification number in which
4 results appeared for the other patient.
5

6 4. Philip Merkley, RN, Clinical Director at Maricopa Medical Center reported to Board
7 staff that Respondent that there have been ongoing problems with Respondent while she was employed
8 and Maricopa Medical Center.
9

10 5. Specifically, Mr. Merkley reported that Respondent could not demonstrate how to take
11 an axillary temperature.

12 6. Mr. Merkley also reported that Respondent had difficulty in taking accuchecks and that
13 had to be rechecked for accuracy. Further, Respondent took an accucheck on patient M.M. without a
14 physician order because "her nursing intuition told her to" according to Mr. Merkley.
15

16 7. Mr. Merkley watched Respondent's technique and witnessed her not cleaning her finger
17 prior to taking an accucheck.

18 8. Respondent further misreported a patient's (R.R) TB forty-eight hour reading as
19 negative when it was clearly positive according to Mr. Merkely.
20

21 22 23 CONCLUSIONS OF LAW

24 1. The conduct and circumstances described in paragraphs 2 through 8 of the Factual
25 Allegations constitute unprofessional conduct pursuant to A.R.S. § 32-1601(16)(d), (any conduct or
26 practice that is or might be harmful or dangerous to the health of a patient or the public) (effective May
27 9, 2002) and is grounds for disciplinary action pursuant to A.R.S. § 32-1663 and § 32-1664.
28
29

2. The conduct and circumstances described in paragraphs 2 through 8 of the Factual Allegations constitute unprofessional conduct pursuant to A.R.S. § 32-1601(16)(j), (violating a rule that is adopted by the board pursuant to this chapter) (effective May 9, 2002), specifically as it relates to:

A.A.C. R4-19-403(9) (Failing to take appropriate action to safeguard a patient's welfare or follow policies and procedures of the nurse's employer designed to safeguard the patient) (effective November 12, 2005).

3. The conduct and circumstances described in paragraphs 2 through 8 of the Factual Allegations constitute unprofessional conduct pursuant to A.R.S. § 32-1601(16)(j), (violating a rule that is adopted by the board pursuant to this chapter) (effective May 9, 2002), specifically as it relates to:

A.A.C. R4-19-403(12) (Assuming patient care responsibilities that the nurse lacks the education to perform, for which the nurse has failed to maintain nursing competence, or that are outside the scope of practice of the nurse) (effective November 12, 2005).

4. The conduct and circumstances described in paragraphs 2 through 8 of the Factual Allegations constitute unprofessional conduct pursuant to A.R.S. § 32-1601(16)(j), (violating a rule that is adopted by the board pursuant to this chapter) (effective May 9, 2002), specifically as it relates to:

A.A.C. R4-19-403(31) (Practicing in any other manner that gives the Board reasonable cause to believe the health of a patient or the public may be harmed) (effective November 12, 2005).

ORDER

In view of the above Findings of Fact and Conclusions of Law, the Board issues the following Order:

Pursuant to A.R.S. § 32-1664(N), the Board **REVOKES** registered nurse license number RN145772 issued to Marie Flint.

1 RIGHT TO PETITION FOR REHEARING OR REVIEW

2 Pursuant to A.R.S. § 41-1092.09, Respondent may file, in writing, a motion for rehearing
3 or review within 30 days after service of this decision with the Arizona State Board of Nursing.
4 The motion for rehearing or review shall be made to the attention of Llysia Gauntt Arizona State
5 Board of Nursing, 4747 North 7th Street Ste 200, Phoenix AZ 85014-3655, and must set forth
6 legally sufficient reasons for granting a rehearing. A.A.C. R4-19-608.

7 For answers to questions regarding a rehearing, contact Llysia Gauntt at (602) 771-7852.
8 Pursuant to A.R.S. § 41-1092.09(B), if Respondent fails to file a motion for rehearing or review
9 within 30 days after service of this decision, Respondent shall be prohibited from seeking judicial
10 review of this decision.
11

12 This decision is effective upon expiration of the time for filing a request for rehearing or
13 review, or upon denial of such request, whichever is later, as mandated in A.A.C. R4-19-609.
14

15 Respondent may apply for reinstatement of the said license pursuant to A.A.C. R4-19-404 after
16 a period of five years.
17

18 DATED this 14th day of November, 2011.

19 ARIZONA STATE BOARD OF NURSING

20 SEAL

21 *Joey Ridenour R.N. M.N. F.A.A.N.*

22 Joey Ridenour, R.N., M.N., F.A.A.N.
23 Executive Director

24
25 COPIES mailed this 29th day of November, 2011, by Certified Mail No. 7009 0080 0000 0430 1277
26 and First Class Mail to:

27 ~~Marie Flint~~
28 1841 E. Celvada Blvd, Apt. D
29 Pahrump, NV 89048

1 COPIES mailed this 29th day of November, 2011, by First Class Mail to:

2
3 Keely Verstegen
4 Assistant Attorney General
5 1275 W Washington, LES Section
6 Phoenix AZ 85007

7 By: Llysia Gauntt
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